

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

Ch.11 Case No 09-50026(REG)  
(consolidated)

IN RE  
GENERAL MOTORS Corporation, et al,  
a/k/a  
MOTORS LIQUIDATION Company, et al

Debtors.

By Secured Creditor Marianne Lisenko, Claim 22063, Court Documents 7071, 7344

**MOTION FOR CLARIFICATIONS AND FOR SUA SPONTE ACTION TO PREVENT FURTHER CONTEMPT,  
FRAUD AND GENERALIZED ABUSE OF THE ADMINISTRATIVE-JUDICIAL PROCESS; IN PARTICULAR – IN  
BANKRUPTCY AND CLASS ACTION LITIGATION.**

**GENERAL CLARIFICATIONS NEEDED.**

I, Marianne Lisenko, a Class 1 secured bondholder, this being my statement of perfected lien and security interest against General Motors Corporation property, hereby petition Judge Gerber of the Court to clarify, where possible, and to take action to correct laws, regulations and procedures which are deliberately evasive, which contradict common sense and established international commercial standards, which are inconsistent with the Spirit of fairness and good faith enshrined in the US Constitution and the explanatory Federalist Papers, and which invite anarchy, lawlessness and violence.

Revisions, simplifications and clarifications must be made in regard to the discrepancies between the the US Constitution, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Bankruptcy Act the Uniform Commercial Code, as well as in regard to other related laws and regulations. The case of Miranda v Arizona, 348 US 433, and the Federalist Papers give judges the power and the duty to uphold the Constitution and to reject unacceptable and/or contradictory laws and rules when the legislative and executive branches fail to do so.

Fraudulent, dishonest, self-dealing behaviors in the courts and in the halls of power have been part of the administrative-commercial landscape of North America since 1794 - when Congress supposedly passed the **11<sup>th</sup> Amendment** to the US Constitution. This was done as a “justification” for refusing to pay the **DEBTs** of the federal government. Only the original documents can show what the actual debate and vote was at the time. But even the 1826 re-printed version of that

resolution that I viewed on the Library of Congress website was not passed by the Senate, nor did all the legislative bodies of all the States ratify it.

May it be confirmed that the 11<sup>th</sup> Amendment was never ratified by the Senate or by the legislators of all the States because to do so would have been an inadmissible breach of the Constitution. Unfortunately, the very destructive idea of over-riding the principles of fairness and good faith lives on in various US laws and in case-law where "sovereign immunity" is claimed and whereby imaginative "jurisdictional" excuses prevent the resolution of a justified Complaint, especially in regard to women, immigrants and voiceless minorities. In other words, as long as the ambiguity exists, anybody can be denied access to justice, to due process, to trial by jury, to property rights. If there is a valid 11<sup>th</sup> Amendment - there are no constitutional guarantees, and all those who are in positions of governance and influence can do as they please to whomever they please.

**SPECIFIC TO GM CASE CLARIFICATIONS NEEDED.**

1. Are the 1990 and 1995 Debt Securities Indentures between General Motors and Citibank and then with Wilmington Trust Company a premeditated attempt to defraud all the bondholders, the shareholders and the investing public with the words "unsecured", unregistered, "immunity of all officers" and "unlimited" issuance of bonds (and shares) ?
2. Is there a systemic potential to defraud investors, given that securities are traded in electronic "book entry" form and given that financial companies discourage the issuance of registered certificates?
3. Where is the register of resolved GM claims with explanations ("Disclosure" states that out of 275 billion dollars in claims, almost half have been resolved) ?
4. How was the 303 million dollar fund in the GM Securities Litigation (in which the offices of Weil, Gotshall and five other offices participated) distributed? US DC Eastern District of Michigan, Master Case 06-m-1749(GER), Judge Gerald E. Rosen
5. Is the Term Loan Avoidance Action against Citibank and the 400 or more listed defendants with a "security interest", a fraud-producing, wasteful and useless legalistic machination?
6. Was the appointment of a Future Asbestos Administrator, of another law office, a consulting office, etc., a wasteful, unacceptable, illegal exercise and who is responsible for it?
7. Are the 65 million dollars in "pre-petition" consulting fees charged by the law offices of Weil, Gotshall & Manges and the millions that continue to be claimed by Weil, Gotshall & Manges and the

numerous other offices justified? Have all 478 listed for service offices filed claims for reimbursement and did the different offices intend to benefit from illegally "canceled" bondholder debt and the TARP funds?

8. What is the essence of the adversary action against BMW, the German public corporation, and why is access to view the text denied?

9. If the 33.3 billion dollars held by the Debtors-in-Possession facility - the law firm of Weil, Gotshall & Manges (?) - will be used for distributions to bondholders, as per Judge Gerber's order of August 9, 2010, where is the remainder of the 65 billion US Treasury TARP fund going?

10. Given the propensity of people to abuse one's position of authority, especially when "immunity" is almost guaranteed and given the multitude of claims and law-suits that have been filed in this and in other courts against GM, many of which are highly questionable, **will an invitation to conduct an investigation of questionable claims in open court with a jury be made?**

I request that everyone be obliged to state in open court the following Oath:

**I \_\_\_\_\_ hereby declare under Oath and penalty of perjury, and at the risk of prematurely losing my mind, my health, my body, and my SOUL to DEATH and DESTRUCTION, that I will answer all questions truthfully and in good faith.**

11. Will the Court expose all the questionable practices and violations of due process and constitutionality in this case which have not been mentioned here due to want of knowledge and due to the limitations that I am suffering, as an individual, in general, and in my particular difficult circumstances of a cruelly mistreated legal immigrant to the USA?

12. Will the former officers of GM and of all the involved financial and legal firms be held responsible for the travesties that have been taking place in the investments industry and in the Courts and will GM stockholders have their property shares replaced?

13. When can bondholders expect to be paid, according to the August 9, 2010, Stipulation and Order signed by Judge Gerber?

ON THE BASIS OF ALL THE QUESTIONS HEREBY PRESENTED I PRAY,

A) THAT THE COURT DECLARE THE 11<sup>TH</sup> AMENDMENT INVALID AND UNCONSTITUTIONAL;

B) THAT THE COURT ACT TO PREVENT MORE CONTEMPT, FRAUD AND GENERALIZED ABUSE OF THE JUDICIAL-ADMINISTRATIVE PROCESS BY ANSWERING THE QUESTIONS AND ACTING ACCORDINGLY;

C) THAT ALL THE INVOLVED PARTIES BE SERVED WITH THIS MOTION AND THAT THE MEDIA PUBLICIZE IT;

D) THAT ALL GM BONDHOLDERS BE PAID AS SOON AS POSSIBLE.

I declare under Oath and penalty of perjury, and at the risk of prematurely losing my mind, my health, my body and my SOUL to Death and Destruction, that I have made all the above statements and questions truthfully and in good faith after viewing and reading all the relevant materials and after being ridiculed, degraded and mistreated by all the Canadian and US Courts and governmental agencies in which I sought a resolution of my grievances and applications of a public nature.

Signed electronically in Washington DC on November 9, 2010

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ATTACHED: Objection to Volkswagen class action litigation case 07-cv-2249-FSH-PS, New Jersey DC

In order to preserve SECURITY ( the secured property rights of every individual and access to equitable justice is what guarantees lasting peace, prosperity and progress for all) financial stability and investor confidence on this Continent and throughout the World, it is imperative that the US Bankruptcy Code, the Uniform Commercial Code and all other related laws and rules comply with the US Constitution (*Miranda v Arizona*, 348 US 433), with international treaties and universally acknowledged principles of law , especially in matters of finance, commerce , trade and immigration.

This motion is based on petitions/objections presented to this and other courts (*Dewey, Delguercio et al v Volkswagen et al* , 07-cv-2249-FSH-PS, DC New Jersey, USSC 08-6585, 08-8712) by myself and other bondholders (Narumanchi, Caterina, etc) and on the following facts :

1. On the face of too many of the 70 000 filed claims by individuals and offices and on the face of the proceedings-billings filed by an army of lawyers- “officers of state” and other “expert authorities” (to date there are 478 legal-professional offices involved in the General Motors case) - I must conclude that a travesty of justice has been taking place in bankruptcy and other courts of the USA and Canada because of the corrupt influence of deliberately confusing , evasive, often contradictory or outright supremacist laws (and the freedom to do whatever unethical , illegal or criminal behavior one can get away with for the purpose of enrichment and profit).

Example: Secured bondholder Frances Caterina and all similarly placed bondholders have been shamelessly lied to in writing by GM attorneys, the law office of Weil, Gotshall & Manges , and classifying them as “unsecured” creditors, when they have a Class 1 entitlement for a 100 % payment of all principle and interest from available for distribution funds. What is not clear is how “old” General Motors , the one with 1.5 billion outstanding shares of all GM property, “old” and “new” (the company is viable!) , the one responsible for all debts, for injuries and all other claims - how did it become the

“Motors Liquidation company” ? Where is the final version of the Master Sale and Purchase Agreement to NGMCA and others? Is the 33.3 billion fund in the DIP (Debtors in Possession ) facility held by Weil & Gotshall going to be used for the purposes of Judge Gerber’s stipulation-order of August 9, 2010 - to pay the GM bondholder debt of about 25 billion dollars (to approximately 18 000 bondholders)?

2.